

Message Text

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ACTION OES-06

INFO OCT-01 AF-08 ARA-06 EA-07 EUR-12 NEA-10 ISO-00 L-03

IO-13 ACDA-07 COME-00 INT-05 NSF-01 CIAE-00 DODE-00

INR-07 NSAE-00 PA-01 USIA-06 PRS-01 SP-02 FEA-01 CG-00

TRSE-00 DOTE-00 DLOS-06 SAL-01 EPA-01 CEQ-01 /106 W

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R 061948Z JUL 76

FM AMEMBASSY PARIS

TO SECSTATE WASHDC 2692

INFO AMEMBASSY TOKYO

AMEMBASSY WELLINGTON

AMEMBASSY CANBERRA

AMEMBASSY SANTIAGO

AMEMBASSY BUENOS AIRES

AMEMBASSY MOSCOW

AMEMBASSY OSLO

USMISSION USUN

AMEMBASSY BRUSSELS

AMEMBASSY LONDON

AMEMBASSY PRETORIA

C O N F I D E N T I A L SECTION 01 OF 03 PARIS 19688

E.O. 11652: GDS

TAGS: XV, TGEN, PLOS

SUBJECT: ANTARCTIC SPECIAL PREPARATORY MEETING:
LEGAL/POLITICAL WORKING GROUP FIRST WEEK SUMMARY

SUMMARY: LEGAL/POLITICAL WORKING GROUP OF SPECIAL
PREPCOM FOR NINTH ANTARCTIC TREATY CONSULTATIVE
MEETING OPENED JUNE 30 WITH FIRST EXPLICIT
EXCHANGE OF VIEWS ON SOVEREIGNTY QUESTIONS UNDERLYING
MINERAL RESOURCE ISSUES. A MAJOR FACTOR IN SHIFT OF
ATMOSPHERICS FROM EIGHTH CONSULTATIVE MEETING LAST
YEAR IS THREAT THAT ISSUES WILL BE RAISED AT NON-
ALIGNED CONFERENCE IN AUGUST, OR UNGA THIS FALL.
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SEVERAL DEIEGATIONS HAVE CLEARLY SHIFTED PERSPECTIVE

FROM OBSESSIVE FOCUS ON MORATORIUM ISSUE AT EIGHTH MEETING TO FOCUS ON UN THREAT AND NEED FOR ANTARCTIC TREATY TWELVE TO ESTABLISH COMMON FRONT WHILE DEALING WITH MINERAL RESOURCE ISSUES. END SUMMARY.

1. FIRST MEETING OF LEGAL/POLITICAL WORKING GROUP ELECTED HAMBRO OF NORWAY AS CHAIRMAN AND PROCEEDED DIRECTLY TO PRELIMINARY STATEMENTS BY DELEGATIONS. HAMBRO INDICATED THERE WILL BE NO RPT. NO SUMMARY RECORD OF WG.

2. US DEL OPENED WITH STATEMENT THAT US WISHES TO DISCUSS REGIME, HAVING NOTED UNGA CONCERNS OF MANY AND SAID THAT DEMONSTRABLE PROGRESS AT THIS MEETING IS REQUIRED. US REP (HUGHES) INDICATED WE BELIEVE THE ANTARCTIC TREATY HAS WELL SERVED NOT ONLY THE PARTIES BUT THE INTERNATIONAL COMMUNITY AS A WHOLE. ASSUMING THE PARTIES ARE ABLE TO AVOID DISSENSION OVER ISSUES THAT REMAIN UNRESOLVED AMONG THEM, THERE IS AN EXCELLENT BASIS FOR DEFENDING THE PATTERN OF COOPERATION UNDER THE TREATY AS A SERVANT OF INTERNATIONAL COMMUNITY INTERESTS. AFTER STATING THAT WE ARE CONVINCED THAT A NON-PREJUDICIAL RESULT IN THE SAME SENSE THAT THE ANTARCTIC TREATY IS NON-PREJUDICIAL, CAN BE CONSTRUCTED, US REP OUTLINED IN A PRELIMINARY WAY SOME OF THE ISSUES THAT MUST BE ADDRESSED AS PART OF A REGIME, SUCH AS ENVIRONMENTAL PROTECTION STANDARDS, MONITORING AND ENFORCEMENT, AND RESOURCE RECOVERY ISSUES OF ACCESS, ACQUISITION OF RIGHTS TO SPECIFIC RESOURCES, AND ANY RESOURCE MANAGEMENT THAT MAY BE NECESSARY. STATEMENT OF US OBJECTIVES INCLUDED OBJECTIVE OF NON-DISCRIMINATORY ACCESS FOR THE US AND OTHERS TO ALL PARTS OF THE CONTINENT TO WHICH A REGIME MAY APPLY FOR THE PURPOSES OF CONDUCTING MINERAL EXPLORATION AND EXPLOITATION UNDER REASONABLE TERMS AND CONDITIONS, IN ADDITION TO THOSE ALREADY OUTLINED IN US STATEMENT AT OSLO. US HAS ENCOURAGED OPEN DEBATE ON ALL ISSUES EXCEPT MORATORIUM, ON WHICH WE HAVE MADE IT CLEAR NO FURTHER NEGOTIATION CAN BE EXPECTED AND PROLONGED

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DEBATE WOULD BE A WASTE OF TIME.

3. UK DEL (WOOD) STREEING URGENCY OF PROBLEM IN LIGHT OF POSSIBILITY LOS SEABED AUTHORITY WILL BE ESTABLISHED WITHIN TWO YEARS AND WOULD NEED TO DETERMINE THE SOUTHERN LIMITS OF THE INTERNATIONAL SEABED AREA. HE FLOATED IDEA OF AMENDING LOS ARTICLE 2, PART L, RSNT TO REFER TO "LIMITS OF THE

CONTINENTAL SHELF" VICE "LIMITS OF NATIONAL JURISDICTION." CITING SRI LANKA THREAT, UK REP CALLED FOR A COMMON POSITION BY THE TWELVE AND SAID URGENCY REQUIRED IF MATTER NOT TO BE TAKEN OUT OF OUR HANDS. WOOD ALSO PRESENTED LIST OF QUESTIONS TO BE ADDRESSED IN WG. UK STRESSED NEED FOR POLITICAL ACCEPTABILITY OF RESULT TO THE REST OF THE WORLD AND MENTIONED EQUITABLE SHARING OF THE BENEFITS OF EXPLOITATION, ESPECIALLY FINANCIAL BENEFITS.

4. CHILE (GAJARDO) INDICATED CHILE'S VIEW THAT

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MINERAL EXPLORATION AND EXPLOITATION IS NOT RPT. NOT COMPATIBLE WITH ANTARCTIC TREATY, ON BASIS OF THE TREATY'S PURPOSES AND ARTICLE 4. SINCE TREATY DOES NOT REFER TO THESE ACTIVITIES, CHILE BELIEVES THEY ARE PROHIBITED. CHILE SAID THAT NEVERTHELESS THEY DO NOT WANT TO ADOPT A NEGATIVE STANCE AND ARE WILLING TO EXPLORE A FORMULA TO ALLOW EPLORATION AND EXPLOITATION TO TAKE PLACE, KEEPING IN MIND ARTICLE 4, THE PROTECTION OF THE ENVIRONMENT AND PRESERVATION OF THE TREATY. CHILE HAS DESCRIBED IN SOME DETAIL THEORY OF THEIR NATIONAL MINING LEGISLATION, EMPHASIZING IT CONFIDENTIAL

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COULD BE FOLDED INTO AN INTERNATIONAL APPROACH AND MENTIONED IN THIS REGARD A POSSIBLE DOUBLE LICENSING SCHEME WITH LICENSE ISSUED BOTH BY CLAIMANT AND INTERNATIONAL ORGANIZATION.

5. NEW ZEALAND REP, IN SHIFT OF POSITION FROM OSLO, VIEWS EXPLORATION AND EXPLOITATION AS INEVITABLE AND, THEREFORE, WISHES TO PROCEED NOW TO KEEP CONTROL OF EVENTS. IN FIRST INSTANCE, GONZ REP SAID, A SOLUTION SHOULD BE SOUGHT IN THIS FORUM WHICH WOULD BE POLITICALLY ACCEPTABLE AND SATISFY REQUIREMENTS OF CLAIMANTS AND NON-CLAIMANTS, PRESERVES IMPORTANT ASPECTS OF PRESENT FRAMEWORK TO PROVIDE JUSTIFICATION TO WORLD COMMUNITY, PROTECTS ENVIRONMENT AND RECOGNIZES THAT INTERNATIONAL COMMUNITY AS A WHOLE HAS SOME LEGITIMATE INTEREST. NZ DEL TABLED WORKING PAPER WITH DRAFT ARTICLES ON A REGIME FOR ENVIRONMENTAL PROTECTION FROM MINERAL ACTIVITIES BASED ON PROHIBITION OF ACTIVITIES WITHOUT UNANIMOUS CONSENT OF THE CONSULTATIVE PARTIES.

6. ARGENTINA (BELTRAMINO) MADE SHORT LOW KEY INTERVENTION FIRST DAY STATING THAT THE RIGHTS, INTERESTS, AND POSITION OF THE CLAIMANT STATE SHOULD BE RECOGNIZED AND RESPECTS IN ANY ARRANGEMENT AND CAUTIONED AGAINST TOO UNREALISTIC EXPECTATIONS FOR THIS MEETING. OTHERWISE, GOA DEL IS NOTABLY QUIET.

7. AUSTRALIA (BRENNAN) MADE LENGTHY EXTEMPORANEOUS OPENING STATEMENT WHICH HE INDICATED HE COULD ACCEPT IN ABSTRACT STATEMENT OF OBJECTIVES BY US DEL, BUT DID NOT BELIEVE HE AND WE WOULD MEAN AT ALL THE SAME THING BY SOE OF THEM. ON QUESTION OF ACCESS, IT APPEARS BRENNAN IS LOOKING TOWARD GUARANTEE OF

NATIONAL TREATMENT FOR US AND OTHER CONSULTATIVE PARTIES UNDER GOA LAWS. STRONG STATEMENT OF DOMESTIC AUSTRALIAN ATTITUDES TOWARD "AUSTRALIAN ANTARCTIC TERRITORY" FOLLOWED WITH CONCLUSION THAT GOA DEL HAS NO INSTRUCTIONS THAT WOULD PERMIT THEM IN ANY WAY TO PREJUDICE AUSTRALIAN "TITLE" TO
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ITS CLAIM OR ITS ASSOCIATED MARITIME AREAS GOA DEL PREPARED TO CONVEY TO GOVERNMENT ANY CONSTRUCTIVE PROPOSALS BUT OTHERS MUST UNDERSTAND THE GREAT CONCESSIONS DEMANDED OF AUSTRALIA AND THE NEED FOR A CORRESPONDINGLY LARGE CONCESSION TO BE MADE BY OTHERS. BRENNAN ALSO EMPHASIZED UN PROBLEM, HIS TALKS WITH CHRIS PINTO OF SRI LANKA, AND SAID HE BELIEVED SRI LANKA NEEDS TO BE INFORMED OF PROGRESS AT THIS MEETING WITH RESPECT TO THE POSITION OF THE TWELVE (1) ON THE DEEP SEABED SOUTH OF 60 DEGREES, AND (2) UNCLAIMED SECTOR. CONTINUATION OF RESTRAINT POLICY FROM OSLO ALSO NECESSARY AS WELL AS EVIDENCE OF REGARD FOR BROADER INTERNATIONAL INTERESTS.

8. JAPAN DEL MADE LOW-KEY STATEMENT LOOKING TO COMMON FRONT BEFORE UN BODIES, FAVORING MORATORIUM, MAINTENANCE OF SCIENTIFIC RESEARCH IN ANTARCTICA AND SURROUNDING SEAS, EXCLUSION OF DEEP SEABED AUTHORITY FROM AREA SOUTH OF 60 DEGREES AND GOJ NON-RECOGNITION OF ANY MARITIME JURISDICTIONS AROUND ANTARCTIC CONTINENT. PRIVATELY, JAPAN INDICATED DISCOMFORT ABOUT THE SIMILARITY OF THEIR POSITION AND THAT OF USSR.

9. FRENCH DEL (JEANNEL) EMPHASIZING MORAL RESPONSIBILITY OF THE TWELVE TO PROTECT THE ANTARCTIC ENVIRONMENT, AND OTHERWISE FRENCH DEL REMAINS VERY GENERAL. FRENCH HAD PREPARED "CHAIRMAN'S WORKING PAPERS" ELABORATING AGENDA, ALTHOUGH THESE PAPERS HAVE BEEN VIRTUALLY IGNORED BY WORKING GROUP.

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10. USSR DEL (NASSINOVSKY) MADE UNEXPECTEDLY HARSH STATEMENT THAT WE CAN TALK ABOUT COMPATIBILITY OF MINERAL EXPLORATION AND EXPLOITATION WITH ANTARCTIC TREATY AND ENVIRONMENTAL EFFECTS, BUT INSISTED IT IS ENTIRELY PREMATURE TO GO FURTHER INTO POSSIBLE REGULATION OF THESE ACTIVITIES. IF MEETING GOES IN THAT DIRECTION, USSR REP INDICATED "THERE WILL BE NO UNANIMITY," AND TREATY WOULD NOT SURVIVE. HE STRONGLY RESISTED CHAIAN'S SUMMARY THAT ALL AGREED THAT THERE WAS A SENSE OF URGENCY. THROUGHOUT ALL
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DISCUSSIONS, SOVIETS REPEATEDLY OBJECT TO ANY CON-
CLUSIONS AS PREMATURE.

COMMENT: INFORMAL CONTACTS SUGGEST SOVIETS HAVE NOT
RPT. NOT FOCUSED ON ISSUES IN MOSCOW AND ARE UNDER
FIRM INSTRUCTIONS NOT TO AGREE TO ANYTHING. REPS HERE
SEEM INCLINED TO LISTEN CAREFULLY TO VIEWS OF OTHERS
AND RECOMMEND ISSUES BE REVIEWED IN MOSCOW AFTER THAT.
SOVIET REPS IMPLYING THAT THEY WILL COME PREPARED TO
NINTH MEETING. END COMMENT.
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